

REMARKS/ARGUMENTS

The Examiner is requiring restriction to one of the following groups:

Group I: Claims 1-14, drawn to a vesicle dispersion comprising (a) a sucrose fatty acid ester; (b) a sphingosine and/or its derivative and (c) an aqueous component;

Group II: Claim 15, drawn to cosmetic composition the vesicle dispersion of any one of Claims 1 to 11; and

Group III: Claim 16, drawn to a method of preparing the vesicle dispersion according to any one of Claims 1 to 11.

Applicant hereby elects Group II, Claim 15 drawn to a cosmetic composition comprising the vesicle dispersion according to any one of Claims 1 to 11, with traverse on the grounds that no adequate reasons and/or examples have been provided to support a conclusion of patentable distinctiveness between the identified groups. Also, it has not been shown that a burden exists in searching the claims of the three groups.

Moreover, the MPEP at § 803 states as follows:

“If the search and examination of an entire application can be made without a serious burden, the Examiner must examine it on its merits, even though it includes claims to distinct or independent inventions.”

Applicant respectfully submits that a search of all of the claims would not impose a serious burden on the Office.

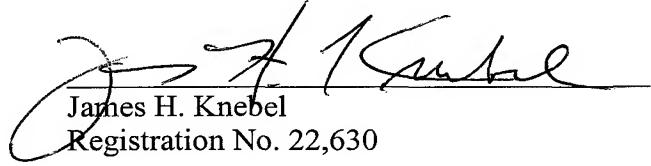
Accordingly, and for the reasons presented above, Applicant submits that the Office has failed to meet the burden necessary in order to sustain the Restriction Requirement.

Withdrawal of the Restriction Requirement is respectfully requested.

Applicant respectfully submits that the above-identified application is now in condition for examination on the merits, and early notice of such action is earnestly solicited.

Respectfully submitted,

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